

IT IS ORDERED

Date Entered on Docket: February 18, 2022



The Honorable David T. Thuma
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In Re:

David Rosario Chavez,

Debtor(s).

Danielle A. Chavez

Non-filing Spouse.

Case No. 21-10430-t13

Chapter: 13

**STIPULATED ORDER GRANTING MOTION FOR RELIEF FROM STAY AND TO
ABANDON PROPERTY LOCATED AT 8828 TRADEWIND ROAD NW,
ALBUQUERQUE, NM 87121**

THIS MATTER came before the Court on the Motion for Relief from Stay filed by The Money Source Inc., its successors and/or assigns ("Movant") on August 20, 2021 (Docket No.: 35) on the Debtor's real property located at 8828 Tradewind Road NW, Albuquerque, NM 87121

(the “Property”), with a legal description:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BERNALILLO, STATE OF NEW MEXICO AND IS DESCRIBED AS FOLLOWS:

Lot Numbered Three (3) in Block Lettered 'G' as shown on the Plat for SUNDANCE SUBDIVISION UNIT TWO, being a replat of Tract Lettered "A" Sundance Subdivision Unit 1, Town of Atrisco Grant, Projected Section 21, T. 10 N., R. 2 E., N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, as the same is shown and designated said plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico on October 6, 2004, in Plat Book 2004C, Page 318.

Movant, by its counsel, Elizabeth V. Friedenstien, and David Rosario Chavez (“Debtor”), by and through his attorney, Ronald E. Holmes (the “Parties”), hereby agree and stipulate to relief from the automatic stay in regard to the Property. Based upon the agreement and good cause appearing:

IT IS HEREBY AGREED AND ORDERED THAT:

1. Pursuant to 11 U.S.C. §362(d), Movant and any and all holders of liens against the Property, of any lien priority, are hereby granted relief from the automatic stay:
 - a. To enforce their rights in the Property, including foreclosure of liens and a foreclosure sale, under the terms of any prepetition notes, mortgages, security agreements and/or other agreements to which Debtor is a party, to the extent permitted by applicable non-bankruptcy law, such as by commencing or proceeding with appropriate action against Debtor or the Property, or both, in any court of competent jurisdiction; and
 - b. To exercise any other right or remedy available to them under law or equity with respect to the Property.
2. Trustee is deemed to have abandoned the Property from the estate pursuant to 11 U.S.C. §554 as of the date of entry of this Order, and the Property therefore no longer is property of the estate. As a result, Movant need not name Trustee as a defendant in any state court action

it may pursue to foreclose liens against the Property and need not notify Trustee of any sale of the Property.

3. The automatic stay is not modified to permit any act to collect any deficiency or other obligation as a personal liability of Debtor, although Debtor can be named as a defendant in litigation to obtain an *in rem* judgment or to repossess the Property in accordance with applicable non-bankruptcy law.

4. This Order shall continue in full force and effect if this case is dismissed or converted to a case under another chapter of the Bankruptcy Code.

5. This Order is effective and enforceable upon entry. The 14-day stay requirement of Fed.R.Bankr.P. 4001(a)(3) is waived.

6. The Trustee shall cease making distributions on claim no. 8-1 for the mortgage arrears as secured debt.

7. Movant is further granted relief from the stay to engage in loan modification discussions or negotiations or other settlement discussions with Debtor and to enter into a loan modification with Debtor.

END OF ORDER

Submitted by:

IDEA Law Group, LLC

/s/ Elizabeth V. Friedenstein

Elizabeth V. Friedenstein

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Attorney for Movant

REVIEWED AND APPROVED:

/s/ Ronald E. Holmes (by permission)

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/s/ Tiffany M. Cornejo (by permission)

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Chapter 13 Trustee

Copies to:

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